

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

Kurt Naumann,		NOTICE OF DETERMINATION OF
	Complainant,	PRIMA FACIE VIOLATION
vs.		AND
Marv Stais,		NOTICE OF AND ORDER FOR
	Respondent.	PROBABLE CAUSE HEARING

TO: Kurt Naumann, 9401 460th Street, Harris, MN 55032; and Marv Stais, 5206 429th Street, Harris, MN 55032.

On October 6, 2006, Kurt Naumann filed a Complaint with the Office of Administrative Hearings alleging that Marv Stais violated Minnesota Statutes § 211B.10. After reviewing the Complaint and attached exhibits, the undersigned Administrative Law Judge has determined that the Complaint sets forth a prima facie violation of Minnesota Statutes § 211B.10.

THEREFORE, IT IS ORDERED AND NOTICE IS GIVEN that this matter is scheduled for a probable cause hearing to be held by telephone before the undersigned Administrative Law Judge at **8:30 a.m. on Wednesday, October 11, 2006**. The hearing will be held by call-in telephone conference. You must call: **1-800-857-9602** at that time. Follow the directions and enter the numeric pass code "**17565**" when asked for the meeting number. The probable cause hearing will be conducted pursuant to Minn. Stat. § 211B.34. Information about the probable cause proceedings and copies of state statutes may be found online at www.oah.state.mn.us and www.revisor.leg.state.mn.us.

At the probable cause hearing all parties have the right to be represented by legal counsel, by themselves, or by a person of their choice if that choice is not otherwise prohibited as the unauthorized practice of law. In addition, the parties have the right to submit evidence, affidavits, documentation and argument for consideration by the Administrative Law Judge. Parties should provide to the Administrative Law Judge all evidence bearing on the case, with copies to the opposing party, before the telephone conference takes place. Documents may be faxed to Judge Lipman at 612-349-2665.

At the conclusion of the probable cause hearing, the Administrative Law Judge will either: (1) dismiss the complaint based on a determination that the complaint is frivolous, or that there is no probable cause to believe that the violation of law alleged in the complaint has occurred; or (2) determine that there is probable cause to believe that the violation of law alleged in the complaint has occurred and refer the case to the Chief Administrative Law Judge for the scheduling of an evidentiary hearing. Evidentiary hearings are conducted pursuant to Minn. Stat. § 211B.35. If the Administrative Law

Judge dismisses the complaint, the complainant has the right to seek reconsideration of the decision on the record by the Chief Administrative Law Judge pursuant to Minn. Stat. § 211B.34, subd. 3.

Any party who needs an accommodation for a disability in order to participate in this hearing process may request one. Examples of reasonable accommodations include wheelchair accessibility, an interpreter, or Braille or large-print materials. If any party requires an interpreter, the Administrative Law Judge must be promptly notified. To arrange an accommodation, contact the Office of Administrative Hearings at 100 Washington Avenue South, Suite 1700, Minneapolis, MN 55401, or call 612/341-7610 (voice) or 612/341-7346 (TTY).

Dated: October 9, 2006

/s/ Eric L. Lipman _____
ERIC L. LIPMAN
Administrative Law Judge

MEMORANDUM

The Complaint alleges that Respondent Marv Stais was a candidate for mayor of Harris, Minnesota in the November 7, 2006, general election. The Complaint further alleges that in approximately early October 2006, the Respondent withdrew from the race after two Harris residents (Ken Kebanek and Marcus Shelander) paid him \$400 in cash, and promised him favorable zoning for his dirt track, and an appointment to either the city planning commission, park board, or city council.

Minn. Stat. § 211B.10, subd. 1, provides as follows:

A person may not reward or promise to reward another in any manner to induce the person to be or refrain from or cease being a candidate. A person may not solicit or receive a payment, promise, or reward from another for this purpose.

If the evidence at a hearing were to establish that the Respondent did accept payment or the promise of future reward in return for ceasing his candidacy, those facts would establish a violation of Minn. Stat. § 211B.10, subd. 1. The Administrative Law Judge therefore determines that the Complaint has alleged a prima facie violation of Minn. Stat. § 211B.10. The allegations will proceed to a probable cause hearing.

E.L.L.